

REMARKS

Pursuant to the present amendment, claim 1 has been amended for matters of form. Claims 1-3, 6-19, 21-24 are pending in the instant application. No new subject matter has been introduced by way of these amendments. Applicant respectfully traverses the Examiner's rejections of claims 1-3, 6-19, 21-24 in view of the reasons set forth herein.

In the Office Action, independent claim 1 was rejected under 35 U.S.C. §112, second paragraph, as allegedly lacking antecedent basis. The phrase "the multimedia content" in lines 5-6 of the claim have been amended to read "multimedia content". Accordingly, Applicant respectfully requests that the rejection of claim 1 under §112 be withdrawn.

In the Office Action mailed March 22, 2007, claims 1-3, 6, 7, 9-13, 15-19, 21, 22 and 24 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,658,100 to Lund (hereinafter "Lund"). Claims 8, 14, and 23 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Lund in view of the state of the art. Applicant respectfully traverses the Examiner's rejections.

An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. Independent claim 1 calls for, *inter alia*, determining if the calling-to-party is a service subscriber. Lund, on the other hand, determines what services to provide the called party using information about the originating caller and the dialed number. See Lund, Col. 3, lines 35-39. In other words, Lund determines "what services" to provide, but it is distinct from determining "whether to provide certain services" to the called party. In other words, Lund fails to determine if the calling-to-party is a service subscriber because the latter involves a subscription check. Lund is silent with regard to such a test. Based on the above-indicated legal standard, it is respectfully submitted

that Lund fails to anticipate claim 1 since Lund determines the services associated with the called party instead of its status as a user or subscriber of certain services. Thus, claim 1 and claims dependent therefrom are in condition for allowance, which is respectfully requested of the Examiner.

Lund is directed to automatically retrieving and displaying supplemental information about a called party on the customer premise equipment (CPE) of a calling party. By using a universal resource locator (URL), the customer premise equipment of the calling party retrieves the homepage of the called party from the Internet. See Abstract of Lund. In this way, Lund allows the called party to communicate in a more detailed way with callers based on the supplemental information about the called party. The URL is an example of the supplemental information about the called party. See Lund, col. 1, lines 41-56.

The Examiner relies specifically upon three passages in Lund. First, “as a call is placed to the called party CPE, as indicated at block 54; querying a database 44 to retrieve the called party's URL based on the number dialed, as indicated in the block 56...” See Lund, col. 3, lines 22-25. Here Lund teaches retrieval of the URL only, not a method of determining if the party is a service subscriber based on the information retrieved. Second, the Examiner cites “...SCP 40 indexes the database 44 to obtain and transmit the URL associated with the dialed telephone number back to the originating CPE 106.” See Lund, col. 3, lines 22-25. In this passage Lund teaches the transmission of the URL associated with retrieval from the first passage relied upon by the examiner. In this second passage, there is no mention of any method to determine if the party is a service subscriber. Third, the Examiner points to the following paragraph:

“More particularly, when the calling party lifts the telephone receiver, located at CPE 106, and dials the number of the receiver of the called party, located at CPE 116, that number is sent to the corresponding central office, here central office 64. When the calling party's central office 64 receives the digits, the string is passed

to an application processor in the central office that queries a database 80. The central office also sends she [sic] digits in a network signaling protocol to the STP 76, which sets up the routing of the call in the usual manner. The database 80 indexes telephone numbers to URLs, and the URL of the dialed number is returned to the calling party's CPE 106. Once the calling party's CPE receives the URL from the central office 64, an application in the CPE 106 can retrieve and display the Web page associated with the URL, as is well known in the art. This application may be any of the well known Web browsing software available from various suppliers.”

Lund, col. 4, lines 15-32. This paragraph in Lund describes how the central office queries a database 80 to find the URL of the dialed party and sends this information to the calling parties CPE where processing can take place in order to display a corresponding Web page. Again, Lund is completely silent on a method to determine if a party is a service subscriber. The service, as disclosed in Lund, is provided to any user regardless of service subscription. Even if all three passages are taken and read as a whole, they do not teach any methods of determining identities of service subscribers.

Lund fails to teach one or more of the claimed features. For example, Lund at least does not teach determining if the calling-to-party is a service subscriber. In contrast, Lund determines whether to make available the URL of the called party to the calling party for displaying its webpage. As stated in Lund, application software resident in the CPE of the calling party uses a URL to retrieve the homepage of the called party.

While Lund teaches providing non-subscription services to the called party, such as retrieving the URL of the called party being stored in the database 44, Lund does not teach determining if the calling-to-party is a service subscriber. Accordingly, Lund fails to teach one or more of claimed features of claim 1.

For at least the reasons set forth above, independent claim 1 and claims dependent therefrom are not anticipated by Lund. Accordingly, claim 1 and its dependent claims are in

condition for allowance, which is respectfully requested of the Examiner. For at least the aforementioned reasons, independent claims 9, 15, 22, and 24 and their respective dependent claims are not anticipated by Lund. Therefore, claims 1-3, 6-19, and 21-24 are allowable.

It is respectfully submitted that claims 8, 14, and 23 are not obvious in view of Lund and the state of the art. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Moreover, the differences between the prior art and the subject matter to be patented as a whole must not have been obvious to at the time of invention to a person of ordinary skill in the art. 35 U.S.C. § 103(a). Applicant respectfully submits that in making an obviousness rejection, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims.

Claims 8, 14 and 23 are not obvious over Lund in view of the state of the art. As discussed above, Lund is deficient as an anticipatory reference because it does not teach all of the elements of the independent claims. The Examiner has not alleged that the "state of the art" cures Lund's deficiency. Accordingly, Applicant respectfully urge that because claims 8, 14, and 23 are dependent on these same claims, then they are likewise not obvious over the alleged combination for at least the same reasons discussed above with respect to the independent claims. Applicants request that the Examiner's rejections of claims 8, 14, and 23 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. The

Examiner is invited to contact the undersigned at (713) 934-4050 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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